

hydrogen production for widespread use. These demonstration programs would be conducted using competitive merit review of funding proposals from a wide variety of companies and organizations, and they would require cost sharing from awardees.

Technologies that combine production of hydrogen with other activities show particular promise for clean, efficient production of hydrogen at this time. Two approaches are specifically included in the scope of the program. Biorefineries can make hydrogen, along with other products, from biomass. And in "electrofarming" the hydrogen is produced and used on the same farm or in nearby facilities. The hydrogen might be made by growing and reforming biomass, from wind energy, or from farm waste; it could be used in farm vehicles and equipment and for heat and electricity in farm buildings. By placing production and use together, this approach saves on transportation of the fuel or the hydrogen. It also avoids any large-scale energy facilities that might present security risks.

I am pleased this program will be in the portfolio of measures in the hydrogen title of the Energy bill that will help develop and commercialize hydrogen and fuel cell technologies, and turn into reality a vision of cars that don't pollute, of power that won't go out, and of feeling less dependent on an area of the world where we recently fought the second war in recent years.

Mr. BURNS. Mr. President, on behalf of myself and my colleague, Senator BAUCUS, I will offer an amendment to the pending Energy bill that will make it economically feasible to make improvements to and operate the Flint Creek Hydroelectric Project at Georgetown Lake in Granite County, MT. Specifically, this amendment limits the Federal Energy Regulatory Commission's, FERC, annual land use fee at the project to \$25,000 for so long as Granite County, or the neighboring county, Deer Lodge County, holds the license to the project. This amendment is very similar to legislation which Senator BAUCUS and I introduced in the 104th Congress and which was reported unanimously from the Senate Energy Committee.

The Flint Creek Project does not currently generate electricity, nor will it without a limitation placed on the FERC annual land use fee. Under the status quo, FERC's annual fee for the project would be more than \$83,000, an amount that simply makes the project uneconomic. The GAO recently released a report that concluded that the FERC generally sets land use fees too low for non-Federal hydroelectric projects located on Federal lands. In the case of the Flint Creek Project, the opposite is true.

The Flint Creek Project is more than 100 years old. It was operated by the Montana Power Company for many years. Since 1992, when it was transferred to Granite County, it has re-

mained idle. In order to become operational again, it will require more than \$2.3 million in investment. This includes building a new powerhouse that replicates the architectural style of the historic structure, installing new intake facilities, replacing the old woodstave line with a new low-pressure pipeline, new generation turbines, swiftgear equipment, stream flow control, data logging systems and a new substation and metering equipment to connect the project to the Northwest energy transmission grid.

All of this investment is necessary to get the Flint Creek Project up and running in an operationally efficient and environmentally responsible and safe manner. When these investments are made, the project will have an installed generation capacity of 2 megawatts. That translates into anticipated annual power sale revenues of between \$300,000 and \$350,000. Under the current FERC fee regime, however, the annual fee of \$83,000 would amount to nearly 25 percent of the gross revenues of the project. With this kind of bureaucratic overhead, no one with an ounce of business sense would make the \$2.3 million investment required to restart the project. My amendment reduces this annual fee to a level that fairly compensates the Federal Government for the use of its property, while at the same time encouraging investment in this project by assuming a modest rate of return.

As we sit here debating new mandates to diversify this Nation's energy portfolio and increase the amount of renewable electricity available for the marketplace, it strikes me that this is one small, site-specific yet beneficial way in which we can appropriately encourage new investment in clean, renewable electricity.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LEGISLATIVE SCHEDULE

Mr. DASCHLE. Mr. President, I wanted to touch on a couple of matters prior to the time we adjourn for the day. I have come to the floor now on several occasions to talk about the concern I have with regard to the schedule for the consideration of energy. We have a mere 3 or 4 days left before the August recess is supposed to begin.

As we debated the Energy bill last year, I can recall so vividly how frustrated many of us were with the length of time it took to work through the many very controversial issues.

Energy is controversial. At the end of the day, we, in spite of our frustration,

passed a bill that ultimately acquired 88 votes. The vote was 88 to 11. Because we were persistent and because we stayed on the legislation, we were able to complete our work and ultimately get a strong bipartisan vote—88 votes.

That vote came after 24 days of debate, over the course of 8 weeks. We considered 144 amendments. At the end of that period of time, people felt as if they had their say. They had been able to offer their amendments. They expressed themselves and ultimately voted for the bill by an overwhelming margin.

Unfortunately, so far, we have not been able to allow the Senate to work its will in that way with the pending energy legislation. We have been on it 12 days. We have only had 12 rollcall votes. So we have averaged one rollcall vote per day. We have considered 35 amendments, but, as I say, only 12 of those actually required rollcall votes.

So we find ourselves now, at the end of the first day of the final week before the August recess, where we only saw the new electricity title on Friday—Friday night. I must say, that amendment alone—the electricity title—with all of its extraordinary geographical repercussions, poses very serious challenges to the Senate as we try to resolve the differences. So we have an electricity title that, I assume, could be laid down tomorrow. There will be amendments offered to the new electricity title because we know that, on a bipartisan basis, there is still a great deal of concern about it.

We have not dealt with global warming. That, too, is going to generate controversy and amendments. There are also the issues of the Renewable Portfolio Standard, CAFE standards, hydroelectric dam relicensing, Indian energy, nuclear subsidies, and natural gas. In my part of the country, in South Dakota, natural gas alone warrants all the attention of the Senate to absolutely assure that we somehow can acquire available supply and stabilize price. There are also energy efficiency incentives, wind energy, carbon sequestration, exploration in the Outer Continental Shelf and, of course, the energy tax package.

All of those issues have yet to be resolved. That was why on the last day prior to the July 4 recess I came to the floor to say if we are going to finish this bill, we better return to the legislation almost as soon as we come back because it will take that amount of time to accommodate the legitimate debates that must be a part of consideration of this comprehensive bill. Well, that has not happened.

Now we find ourselves in the last week before the August recess with, I am told, over 380 amendments pending. Somehow there is an expectation that we can finish. I can hear, perhaps, the charge at the end of the week that, well, the Democrats just didn't want to finish the bill. Opponents just didn't want to deal with it. So they were dragging it out.

I must again insist that there is no desire to drag this out. There are many very deeply held feelings about many of these issues because they affect the pocketbook and ultimately the very security of a vast number of people in this country whose reliance upon energy is perhaps as consequential as their reliance on food or anything else. It is a commodity that we must have. So, clearly, we want to resolve these issues. But we are not going to be jammed. We are certainly not going to treat lightly or minimize the consequences and the extraordinary importance of these issues as we continue this debate.

I told the distinguished majority leader a few hours ago that I was in favor of grinding this out, trying to find as many ways to take up these issues and deal with them as we can. But nobody should be surprised if, at the end of the week, given the complexity and importance of these issues, that we have not completed our work. One of the reasons we have not completed our work, so far, is because we have had some other issues that have been the focus of attention in the Senate. One of those was the supplemental that passed. I want to comment on that briefly as well.

On July 8, President Bush proposed a supplemental for \$1.9 billion that consisted of three very critical parts: \$1.55 billion for FEMA disaster assistance; \$289 million for Forest Service and Bureau of Land Management to cover the costs of fighting wildfires all over this country; and \$50 million for NASA's investigation of the Challenger disaster. The Appropriations Committee supported the President's request, but they added one more thing. On a bipartisan basis, and with the approval and support of the White House, they added an additional \$100 million to head off a looming funding crisis that would force AmeriCorps to cut from its rolls 15,000 volunteers. The committee's decision to add AmeriCorps' funding to the package was affirmed on the floor by a vote of 77 to 21 to defeat an amendment to strip out AmeriCorps' funding, and then by a vote of 85 to 7 to support final passage of the underlying legislation.

So we went into conference with our colleagues in the House with every expectation—given the President's support, given the overwhelming bipartisan vote on AmeriCorps and these other key issues, but most importantly, given the urgency that is evident to anybody who knows the circumstances—that before the House adjourned, we would have voted on all four of those components. Instead, for reasons I can only begin to imagine, the House Republican leadership cut nearly \$600 million from the President's request for FEMA disaster assistance. The result is that with that cut, we are told today that disaster assistance funds could run out before we come back in September. You are going to have States all over this coun-

try needing disaster aid, and it will not be available because those funds were eliminated.

They also eliminated all the money that we need to fight wildfires. We have a fire that has now consumed over 2,500 acres just on the Wyoming side of the South Dakota border. To my knowledge, it still burns out of control. As a result of the funding cut, we may not have adequate funding to fight the fires that we know will occur in August, and perhaps in September, as a result of the elimination of this \$289 million. The money will not be there.

And then, of course, the money for AmeriCorps was eliminated as well. Hundreds of worthy programs, serving tens of thousands of Americans, are going to be terminated because the AmeriCorps volunteers will be without funding.

Mr. President, the state of affairs, and the reasons for the actions taken in the House, are simply unacceptable. We have to find a way this week to resolve these outstanding questions.

I do not know what could be more important than ensuring that as these fires burn out of control, we are going to get the necessary resources to the Federal agencies so they can get needed resources to the sites of the disaster. That is true of FEMA. It is true of AmeriCorps. And, I must say, I am troubled with the message it sends about *Challenger*. It ought to be true of our commitment to find ultimately a successful conclusion to the NASA investigation of *Challenger* as well.

Mr. President, I did not hear his remarks on the Senate floor, but the distinguished Chair of the Appropriations Committee expressed himself very clearly this afternoon, and it is my desire to work with him and others to see that we find a way to resolve this issue successfully. We cannot leave this week with the extraordinary message we would be sending to the entire country about FEMA, about forest fires, about the *Challenger* disaster, and about AmeriCorps.

We have to find a bipartisan solution, just as we did earlier this month, to address those matters prior to the time we leave. The majority leader has noted that he feels so strongly about the Energy bill that we should not leave before we finish the Energy bill. I will say, we should not leave before we have resolved this crisis in funding for these four agencies. I hope on a bipartisan basis we can say that, we could reassert ourselves, or we could assure that somehow this matter can be resolved.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Alabama is recognized.

## PRISON RAPE ELIMINATION ACT OF 2003

Mr. SESSIONS. Mr. President, I wish to say a few words about legislation that just cleared the House. It is something I think is healthy and good. It is the Prison Rape Elimination Act of 2003. I worked with Senator KENNEDY to hammer out legislation that I think is important. We have different political philosophies, but we have come together on this issue. Also, in the House, Congressmen FRANK WOLF and BOBBY SCOTT worked together to move the legislation through their body. As a Federal prosecutor for 15 years and as an attorney general for Alabama, I sent many guilty criminals to prison where they belong. I believe they should be treated fairly in court, and I treated them fairly. I also believe they should be treated fairly in prison.

Most prison wardens and sheriffs are outstanding public servants. They do a fine job of supervising inmates, and I respect them and commend them for the work they do. However, knowingly subjecting a prisoner to a circumstance where they could be sexually assaulted, and raped, is cruel and unusual punishment, clearly, under the eighth amendment to the Constitution.

Some States have estimated as many as 10 percent or more convicted offenders have been subject to sexual assault in prison. One study said 13 percent and another study said 14 percent. I hope these statistics are an exaggeration and frankly, I think they may be an exaggeration. Nonetheless, it is the duty of government officials to ensure that criminals who are convicted and sentenced to prison, serve the sentence imposed by the judge, but not additional sentence of sexual assault. Rape is not a part of any lawful sentence.

I am also concerned when I see television programs, movies, and read books that constantly suggest that any young person sent to prison is going to be sexually assaulted. I have never believed that to be true, but I have not doubted some of it occurs. None of it should occur.

As a prosecutor, I had a policy that I would talk to any mother or close family member of any person who was convicted in my court. Many of them told me of their concerns about sexual assault in prison based on what they had seen on television and what they had read in books.

This bill will deal with the issue in three ways. It establishes a national commission to study prison rape at the Federal, State, and local levels and, after 2 years, to publish the results of the study and make recommendations on how to reduce prison rape.

Second, the bill directs the Attorney General to issue a rule for the reduction of prison rape in Federal prisons. That is what we have direct responsibility for in this body, Federal prisons. To avoid a reduction in certain Federal funds, each State should certify it has adopted or is in compliance with the standards set forth in the Attorney